

### REMARKS

Claims 1, 3, 5-9, 11-14, and 46-49 are pending. Claims 4, 10, 16, and 18-29 have been canceled without prejudice, and claims 2, 15, 17, and 30-45 were previously canceled. New claims 46-49 have been added. Claims 1, 5-9, and 11 have been amended. No new matter has been introduced. Reexamination and reconsideration of the present application are respectfully requested.

In the March 24, 2009 Office Action, the Examiner rejected claims 1, 4-14, 16, and 19-29 under 35 U.S.C § 102(e) as being anticipated by U.S. Patent No. 5,993,423 to Choi (the Choi reference). The Examiner rejected claims 3 and 18 under 35 U.S.C. § 103(a) as being obvious over the Choi reference in view of Official Notice taken by the Examiner. The Examiner objected to claims 16 and 18-29 due to informalities. These rejections are respectfully traversed.

The present invention generally relates to external infusion devices that include a vent on the housing of the device to permit air to move in and out of the housing while inhibiting the entrance of fluids into the housing such that air pressure within an interior of the housing but external to the reservoir is equalized with air pressure outside of the housing.

Independent claim 1, as amended, recites:

a drive system to operatively couple with the reservoir to infuse the fluid into the body;

a housing adapted for use on an exterior of the body, wherein the housing is sized to contain at least a portion of the reservoir, wherein the drive system is at least partially contained within the housing, wherein the drive system

operatively couples with the at least a portion of the reservoir within the housing, and wherein the housing is sized to be carried by a user without significant restriction on mobility; and

electronic control circuitry coupled to the drive system to control infusion of the fluid into the body;

*wherein the housing has at least one vent port covered with a hydrophobic material that permits the passage of air into and out of the housing and inhibits the passage of liquids into the housing through the at least one vent port covered with the hydrophobic material such that air pressure within an interior of the housing but external to the reservoir is equalized with air pressure outside of the housing by the passage of air into and out of the housing through the hydrophobic material,*

*the hydrophobic material being formed as a sheet attached to the housing and applied over the at least one vent port.*

The Choi reference does not disclose or teach the device of independent claim 1, as amended. The Choi reference generally relates to a portable automatic syringe device having a configuration including a separable rotating shaft adapted to provide a drive force to a piston included in the automatic syringe device so that the rotating shaft can be separated, along with the piston, from a housing of the syringe device upon refilling a syringe of the syringe device with a liquid medicine, and set in position in the housing after the refilling of the liquid medicine. Unlike independent claim 1, as amended, the Choi reference does not show that “the housing has at least one vent port covered with a hydrophobic material *that permits the passage of air into and out of the*

*housing and inhibits the passage of liquids into the housing through the at least one vent port covered with the hydrophobic material such that air pressure within an interior of the housing but external to the reservoir is equalized with air pressure outside of the housing by the passage of air into and out of the housing through the hydrophobic material, the hydrophobic material being formed as a sheet attached to the housing and applied over the at least one vent port"* (emphasis added).

First, the Choi reference only mentions that a semi-permeable material may form a reset button for "preventing penetration of moisture while allowing ventilation of air . . . to prevent a vacuum from being generated in the interior of the housing" (i.e., ventilation of air *into* the housing only, see col. 14, lines 9-11). However, the Choi reference does not make any mention of "at least one vent port covered with the hydrophobic material such that air pressure within an interior of the housing but external to the reservoir is equalized with air pressure outside of the housing **by the passage of air into and out of the housing through the hydrophobic material**" (emphasis added), as recited in independent claim 1, as amended. The Choi reference is completely silent as to an instance where there is a higher pressure *inside* the housing of the device, for example, being on an airplane rising in altitude, and the "air pressure within an interior of the housing but external to the reservoir is equalized with air pressure outside of the housing *by the passage of air . . . out of the housing through the hydrophobic material*", as recited in independent claim 1, as amended.

Secondly, the device of independent claim 1, as amended, recites that "the *hydrophobic material being formed as a sheet attached to the housing and applied over the at least one vent port*" (emphasis added), is quite different from the reset button of

the Choi reference. The reset button of the Choi reference is clunky and protrudes outward from the device housing and is subject to wear and tear due to the use of the reset button that would quickly render its moisture sealing capabilities ineffective, unlike the device of independent claim 1, as amended, which offers a simpler, smoother, less expensive, and longer lasting design by having *"the hydrophobic material being formed as a sheet attached to the housing and applied over the at least one vent port"*. Accordingly, applicant respectfully submits that independent claim 1, as amended, distinguishes over the above-cited reference.

Independent claim 9, as amended, recites:

a drive system to operatively couple with the reservoir to infuse the fluid into the body;

a housing adapted for use on an exterior of the body, wherein the housing is sized to contain at least a portion of the reservoir, wherein the drive system is at least partially contained within the housing, wherein the drive system operatively couples with the at least a portion of the reservoir within the housing, and wherein the housing is sized to be carried by a user without significant restriction on mobility; and

electronic control circuitry coupled to the drive system to control infusion of the fluid into the body;

wherein *the housing has at least one vent port covered with a hydrophobic material that permits the passage of air into and out of the housing and inhibits the passage of liquids into the housing through the at least one vent port covered with the hydrophobic material such that air pressure within an interior of the*

*housing but external to the reservoir is equalized with air pressure outside of the housing by the passage of air into and out of the housing through the hydrophobic material, and the hydrophobic material is pressed into a cavity in the housing of the external infusion device that forms the at least one vent port.*

Independent claim 9, as amended, recites limitations similar to independent claim 1, as amended. The device of independent claim 9, as amended, also distinguishes over the Choi reference by reciting that “*the hydrophobic material is pressed into a cavity in the housing of the external infusion device that forms the at least one vent port*” (emphasis added), which also greatly differs from the reset button of the Choi reference. As mentioned above, the reset button of the Choi reference is clunky and protrudes outward from the device housing and is subject to wear and tear due to the use of the reset button that would quickly render its moisture sealing capabilities ineffective. The device of independent claim 9, as amended, unlike the Choi reference, offers a simpler, smoother, less expensive, and longer lasting design by reciting that “*the hydrophobic material is pressed into a cavity in the housing of the external infusion device that forms the at least one vent port*”. Accordingly, applicant respectfully submits that independent claim 9, as amended, also distinguishes over the above-cited reference.

Dependent claims 3, 5-8, and 12-14 all directly depend from independent claim 1, as amended. Accordingly, applicant respectfully submits that dependent claims 3, 5-8, and 12-14 also distinguish over the above-cited reference for the reasons set forth above with respect to independent claim 1, as amended. Dependent claims 11 and 46-49 all directly depend from independent claim 9, as amended. Accordingly, applicant respectfully submits that dependent claims 11 and 46-49 also distinguish over the

above-cited reference for the reasons set forth above with respect to independent claim 9, as amended.

Finally, claims 16 and 18-29 are now canceled, and the objections due to informalities of these claims are no longer applicable.

Applicant believes that the foregoing amendments place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (818) 576-5291 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

Dated: June 22, 2009

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